

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. BANK, NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR IN INTEREST TO
BANK OF AMERICA, NATIONAL
ASSOCIATION, AS TRUSTEE, AS
SUCCESSOR BY MERGER TO LASALLE
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CERTIFICATEHOLDERS
OF BEAR STEARNS ASSET-BACKED
SECURITIES I LLC, ASSET-BACKED
CERTIFICATES, SERIES 2007-HE3

CIVIL ACTION NO. 1:19-cv-00261-JAW

Plaintiff

v.

DIANE M. RADELL

Defendant

**CONSENT JUDGMENT FOR REFORMATION OF LEGAL DESCRIPTION AND
FORECLOSURE AND SALE**

**Address: 502 East Ridge Road, Mars Hill, ME 04758
Mortgage: December 6, 2006, Book: 4380, Page:90**

Now comes the Plaintiff, U.S. Bank, National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset-Backed Securities I LLC, Asset-Backed Certificates, Series 2007-HE3, and the Defendant, Diane M. Radell, and hereby submit this Consent Judgment for Reformation of Legal Description and Foreclosure and Sale.

Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, Count V - Unjust Enrichment, and Count VI-Equitable Mortgage are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on

Count I – Foreclosure and Sale and Reformation of Legal Description are hereby **ENTERED** as follows:

I. Count I-Foreclosure, is hereby **ENTERED** as follows:

1. If the Defendant or her or assigns pay U.S. Bank, National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset-Backed Securities I LLC, Asset-Backed Certificates, Series 2007-HE3 ("U.S. Bank") the amount adjudged due and owing (\$192,344.71) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Unpaid Principal Balance	\$130,128.10
Accrued Interest	\$28,837.66
Escrow Advance	\$16,492.64
Corporate Advance Balance	\$15,666.10
Late Charges	\$184.40
Interest on Advance	\$50.81
Advance Balance-Attorney	\$985.00
Fees & Costs	
Grand Total	\$192,344.71

2. Interest is good through August 15, 2019 pursuant to the agreement of the parties at the rate of 5% prejudgment interest, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.

3. If the Defendant or her heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$192,344.71) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, her remaining rights to possession

of the Mars Hill Property shall terminate, U.S. Bank shall conduct a public sale of the Mars Hill Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$192,344.71, plus post-judgment interest at the rate of 8.59%, and after deducting the expenses of the sale, with any surplus to the Defendant or her heirs or assigns, in accordance with 14 M.R.S.A. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency.

3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$192,344.71.
5. U.S. Bank, National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset-Backed Securities I LLC, Asset-Backed Certificates, Series 2007-HE3 has first priority, in the amount of \$192,344.71, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendant who has second priority.
6. The legal description of the subject Mortgage is hereby reformed consistent with the Complaint, Exhibit A1 thereto, and Exhibit A1 attached hereto to reflect the correct legal description.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	U.S. Bank, National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset-Backed Securities I LLC, Asset-Backed Certificates, Series 2007-HE3	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Diane M. Radell 3 Brown Road Woodland, ME 04736	

- a) The docket number of this case is No. 1:19-cv-00261-JAW.
- b) The Defendant, the only party to these proceedings besides U.S. Bank, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 502 East Ridge Road, Mars Hill, ME 04758, is set forth in Exhibit A1 to the Judgment herein.
- d) The street address of the real estate involved is 502 East Ridge Road, Mars Hill, ME 04758. The Mortgage was executed by the Defendant on December 6, 2006. The book and page number of the Mortgage in the Aroostook County Registry of Deeds - Southern is Book 4380, Page 90.
- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an in rem judgment against the property, 502 East Ridge Road, Mars Hill, ME 04758.

Dated: January 10, 2020

/s/Reneau J. Longoria, Esq.
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Dated: January 7, 2020

/s/ Diane M. Radell
Diane M. Radell
3 Brown Road
Woodland, ME 04736

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 15th day of January, 2020